



**INFORMATION DISCLOSURE  
STATEMENT**

|                      |   |
|----------------------|---|
| Applicants:          | Robert Russo et al.                         |
| Application No.      | 10/043,908                                  |
| Filed:               | January 11, 2002                            |
| For:                 | Splash Inhibiting Beverage<br>Container Lid |
| Group Art Unit:      | 3727  |
| Examiner:            | James M. Smalley                            |
| Attorney Docket No.: | 2103461-991100                              |

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TECHNOLOGY CENTER R3700

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application.

**This Information Disclosure Statement:**

- (a) ☐ accompanies a new patent application submitted herewith.
- (b) ☐ is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; **OR**
- (c) ☒ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below **OR**
- (d) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (e) ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (f) ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

It is respectfully requested that each of the references shown on the attached Form PTO-1449 be made of record in this application. Applications 10/213,571 and 10/317,542 are filed by the same applicants and cover related subject matter. Copies of the references are enclosed

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 07-1896.

Respectfully submitted,

Date: February 11, 2004

GRAY CARY WARE & FREIDENRICH LLP



By: Alan A. Limbach

Alan A. Limbach, Reg. No. 39,749

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*I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: Commissioner for Patents; P. O. Box 1450, Alexandria, VA 22313-1450.*

February 11, 2004

Date

Kathleen A. Brune

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of

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**C mplet if Known**

|                        |                     |
|------------------------|---------------------|
| Application Number     | 10/043,908          |
| Filing Date            | January 11, 2002    |
| First Named Inventor   | Robert Russo et al. |
| Art Unit               | 3727                |
| Examiner Name          | James M. Smalley    |
| Attorney Docket Number | 2103461-991100      |

**U. S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
|                    |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                    |                       | US- 2,414,697                            |                                | Pattersson   |   |
|                    |                       | US- 2,534,614                            |                                | Michael  |   |
|                    |                       | US- 4,978,024                            |                                | Newman et al.                                      |   |
|                    |                       | US- 4,986,437                            |                                | Farmer   |   |
|                    |                       | US- 6,464,099                            |                                | Portman  |   |
|                    |                       | US- 6,488,173                            |                                | Milan  |   |
|                    |                       | US- 6,523,712                            |                                | McGushion  |   |
|                    |                       | US- 6,533,139                            |                                | Lukacevic  |   |
|                    |                       | US- 10/213,571                           |                                | Russo et al.                                       |   |
|                    |                       | US- 10/317,542                           |                                | Russo et al.                                       |   |
|                    |                       | US-                                      |                                |  |   |
|                    |                       | US-                                      |                                |  |   |
|                    |                       | US-                                      |                                |  |   |
|                    |                       | US-                                      |                                |  |   |
|                    |                       | US-                                      |                                |  |   |
|                    |                       | US-                                      |                                |  |   |
|                    |                       | US-                                      |                                |  |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
|                    |                       | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |  |   |                |
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|                    |                       |   |                                |  |   |                |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional).<sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: C mmissi ner f r Patents, P.O. B x 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.